IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1878 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ANIL GUPTA - Applicant(s)
Versus
BHARAT DHIRAJLAL VORA & 1 - Respondent(s)

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Appearance :
MR UTKARSH B JANI for Applicant(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1,
MR AJAY R MEHTA for Respondent(s) : 1,
MR DEEPEN DESAI, APP for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 09/10/2007

ORAL JUDGMENT

1. The petitioner herein who was one of the accused

was though granted bail by the learned Sessions Judge, Fast Track Court, Surendranagar, but stayed the same by his own order dated 29.9.2007. The petitioner therefore, approached this Court seeking stay of that order. In short, it was the case of the petitioner that he should be released urgently as substantial payment was already made towards the disputed amount for which he is charged to have committed offence under Section 138 of the Negotiable Instruments Act.

2. By an order dated 1.10.2007, this Court had granted interim reprieve to the applicant on certain condition. It is not in dispute that under the said interim order, the applicant is released on bail and that he has also fulfilled the condition contained in the said order.

3. Since the order of the learned Sessions Judge suspending the bail of the applicant was to operate till 5th October, 2007, no further purpose of this petition survives and same is required to be disposed of accordingly.

4. Learned advocates appearing for the parties pointed out that original complainant has filed the application before this Court seeking cancellation of bail granted by the learned Sessions Judge. Be that as it may, admittedly so far no order has been passed and, therefore,

there is no purpose now left in entertaining this petition. Same is accordingly disposed of. Rule is discharged.

(Akil Kureshi,J.)

(raghu)